

ORDINANCE NO. 12-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting a vacation of a portion of a utility and drainage easement; that the applicant has represented to the City of Huntsville that NSH CORP. d/b/a Signature Homes, is the owner of the property across which said easement lies; that said easement or portion being vacated is not presently used and is no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)

COUNTY OF MADISON)

KNOW ALL MEN BY THESE PRESENTS, that THE CITY OF HUNTSVILLE, a municipal corporation, hereinafter referred to as Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by NSH CORP., an Alabama corporation, d/b/a SIGNATURE HOMES, hereinafter referred to as Grantee, the receipt whereof is hereby acknowledged and other good and valuable consideration, does hereby remise, release, quitclaim and convey unto the said grantee all of its right, title, interest, and claim in and to the following described real estate situated in the County of Madison, State of Alabama, to wit:

All that part of Lot 42 of Hawks Ridge Fifth Addition, a Resubdivision of a part of Tract one of High Mountain Estates Fourth Addition of the High Mountain Preserve, a Resubdivision of Tract 12 of Chapman Cove and a Resubdivision of Lot A of Saddletree (Plat Book 17, Page 100) and a Resubdivision of Tract 1 and Lot 10 of High Mountain Estates Third Addition, a Resubdivision of Tract 11 of Chapman Cove and a Resubdivision of Lot A of Saddletree (Plat Book 17, Page 100) and a Resubdivision of Tract 10 of High Mountain Estates Second Addition, a Resubdivision of Tract 10 of High Mountain Estates as recorded in an Affidavit Book 1006, Page 570, as shown by the map of Plat of said Subdivision recorded in the Office of the Judge of Probate of Madison County, Alabama in Document Number 20090205000072850 and being more particularly described as follows:

Commencing at a point on the East right-of-way of Hawks Way, said point being the Southwest corner of said Lot 42, thence along the common lot line between Lots 42 and 41, North 68 degrees 44 minutes 27 seconds East, 67.79 feet to the Point of Beginning of the tract herein described;

Thence from the Point of beginning North 21 degrees 15 minutes 33 seconds West, 5.00 feet to a point on the North boundary of a 5 foot wide Utility and Drainage Easement; thence along the said North boundary, being 5 feet North of and parallel with the South boundary of said Lot 42, North 68 degrees 44 minutes 27 seconds East, 51.21 feet to a point on the West boundary of an existing 25 foot wide utility and drainage easement; thence along the said West boundary, South 07 degrees 22 minutes 23 seconds East, 5.15 feet to a point on the South boundary of said Lot 42; thence along the said South boundary, South 68 degrees 44 minutes 27 seconds West, 49.97 feet to the point of beginning and containing 253 square feet, more or less.

SUBJECT TO RESTRICTIONS OF RECORD.

TO HAVE AND TO HOLD the same unto the said Grantee and to its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed by its duly authorized officer this the 26 day of July, 2012.

THE CITY OF HUNTSVILLE,
a municipal corporation

By: _____ (SEAL)
Its: Tommy Battle
Mayor

ATTEST:

By: _____
Charles E. Hagood
Its: City Clerk Treasurer

STATE OF ALABAMA)

COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk Treasurer of the City of Huntsville, a municipal corporation are signed to the foregoing instrument, and who are known me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

GIVEN under my hand and official seal this the 26 day of July, 2012.

(SEAL)

Notary Public
My Commission Expires: _____

THIS INSTRUMENT WAS PREPARED SOLELY FROM INFORMATION PROVIDED TO THE PREPARER OF THIS INSTRUMENT WHO CONDUCTED NO TITLE EXAMINATION, AND WHO ISSUED NO TITLE OPINION OR TITLE INSURANCE.

This instrument prepared by: Y. Albert Moore, III, Lanier Ford Shaver & Payne P.C.
2101 West Clinton Avenue, Ste. 101, Huntsville, Alabama 35805, Telephone: (256) 535-1100

S:\PBS\NSH Corporation\Hawks Ridge 5th Addition\U&D Easement.wpd



Ordinance No. 12-_____ (Cont.)
NSH CORP. d/b/a Signature Homes

ADOPTED this the 26th day of July, 2012.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 26th day of July, 2012.

Mayor of the City of
Huntsville, Alabama